

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

UNITED STATES DISTRICT COURT

for the

District of _____

Division _____

U.S. DISTRICT COURT
DISTRICT OF MAINE
MAINE
RECEIVED & FILED

2024 JUL 12 P 1:39

Case No. _____

(to be filled in by the Clerk's Office)

Wayne E. Boulter II

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Doug Blauvelt, Franklin County Jail

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

All other names by which
you have been known:

ID Number

Current Institution

Address

Wayne E. Boulter II

Franklin 24-0189, Penobscot 322468

Franklin County Jail

121 County Way

Farmington
CityMaine
State04938
Zip Code**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

Job or Title (*if known*)

Shield Number

Employer

Address

Doug Blauvelt

Major / Jail administrator

Franklin County Sheriff department

Farmington
CityMaine
State04938
Zip Code☐ Individual capacity☒ Official capacity

Defendant No. 2

Name

Job or Title (*if known*)

Shield Number

Employer

Address

Franklin County Jail

Franklin County Sheriff's department

Farmington
CityMaine
State04938
Zip Code☐ Individual capacity☒ Official capacity

Defendant No. 3

Name _____

Job or Title (if known) _____

Shield Number _____

Employer _____

Address _____

City _____

State _____

Zip Code _____

☐

Individual capacity

☐

Official capacity

Defendant No. 4

Name _____

Job or Title (if known) _____

Shield Number _____

Employer _____

Address _____

City _____

State _____

Zip Code _____

☐

Individual capacity

☐

Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐Federal officials (a *Bivens* claim)☒

State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

Fourth Amendment
Eighth Amendment

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

Not Bivens, 1983 Violations occurring.

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

As acting jail administrator of Franklin County Jail, Major Doug Blauvelt is responsible for policy making. Blauvelt is responsible for the ordering of wrongful strip searches, and is the administrator that wrongfully "unfounded" my attempt to seek administrative remedy. Major Blauvelt's blatant disregard for inmates Constitutional rights, as well as statutory laws have, and continue to cause violations to occur.

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- ☒ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☐ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☐ Other (explain) _____

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

Violations have occurred on five separate occasions, when Petitioner was wrongfully strip searched by multiple different staff members of Franklin County Jail, at the Franklin County Jail at the order of their administrative officer, Major Doug Blauvelt.

C. What date and approximate time did the events giving rise to your claim(s) occur?

July 1st 2024, Apr June 21st 2024, Apr. June 13th 2024, Apr June 5th 2024, Apr May 29th, as well as 2-3 other dates. Exact dates will be found upon review of Penobscot United Criminal docket, as well as Androscoggin District Court docket, for the multiple Court appearances, by Zoom, from the Franklin County Jail

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

As a pretrial detainee being held at Franklin County Jail, under order of Commitment to the Penobscot County Jail, I have been wrongfully humiliated while being subjected to inappropriate strip searches on approximately 6 occasions after Court appearances by "Zoom" without ever leaving the building of the Franklin County Jail, or the constant supervision of Correctional staff. When bringing to the attention of all staff conducting the illegal searches, they all confirmed knowing it was illegal, but stated "It's the Major's Policy". I filed a grievance directly to the Major, and he wrongfully dismissed it by stating my complaint was "unfounded".

V. Injuries Even though the 4th Amend as well as Maine Rules both clearly state otherwise

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

Not only am I absolutely suffering from the weekly Court appearances in two different jurisdictions so to address the Sixth amendment violations I'm exposed to (See *Baillier v. Billings* 24-cv-222 JAW) but every week I'm humiliated, and tormented by being stripped naked, having to lift my scrotum, turn around and fully expose my anus, while I'm told to "squat and cough". I'm sick of it! Not only am I ~~exposed~~ pretrial and not guilty of allegations against me, I'm a human being that doesn't deserve the humiliation, as well as demoralizing violations of my civil rights, at the hands of Major Doug Blauvelt's inhumane policies!!

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

I'm seeking relief for direct order of the Court to stop performing these inhumane and illegal strip searches of my body! I'm asking to be transferred to another County Jail so to avoid retaliation for my complaint, and I'm asking for \$50,000 as compensation for my undue humiliation, as well as any potential counselling that I may need to help the trauma of what I've been through because of the civil violations I've gone through.

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

- A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Franklin County Jail

- B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

- C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☒ Yes

☐ No

☐ Do not know

They said my Complaint was "Unfounded" and dismissed it. See attached grievance

If yes, which claim(s)?

FRANKLIN COUNTY DETENTION CENTER
INMATE GRIEVANCE FORMInmate: Wayne BowlerDate: 7-1-24Time: 11:00I. NATURE OF GRIEVANCE: Emergency ☒ Non-Emergency

I was strip searched after my court hearing this morning as I have been after all other 5 times I had court. At no point did I even leave the building, or even the officers direct line of sight. Not only is it absolutely humiliating and demoralizing, it is in fact constitutionally as well as statutorily against the law! Unless there is a verifiable, elevated risk, to safety and security, strip searches ARE NOT warranted. Per 4th Amend

Inmate's Signature: [Signature]

or rules promulgated by Maine Attorney General (Appendix D), as well as DOC Detention and Correction Standards for Counties and Municipalities

II. RECEIPT OF FILING OF GRIEVANCE

Officer Signature: [Signature]

Date: _____

Time: _____

III. FINDINGS (To be completed by person investigating grievance)

Please respond, so to show administrative remedy was sought

Unfounded. No violation of Law.

Investigator's Signature: [Signature]Date: 7-1-24Time: 1227

IV. RECOMMENDATIONS: _____

I have received a copy of the above grievance investigation and findings.

Inmate's Signature: [Signature]Date: 7/5/24Time: 1545

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes

☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☐ No

- E. If you did file a grievance:

1. Where did you file the grievance?

I filed the grievance here at Franklin County Jail.

2. What did you claim in your grievance?

I stated the facts that the strip searches they were conducting on me and other inmates are wrong and in violation of my 4th Amendment rights.

3. What was the result, if any?

See attached.
Major Blauvelt said my grievance was "Unfounded" and incorrectly dismissed it, saying "No violation of law."

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

I was told by staff that "If I didn't drop it, I'd be writing my next grievance from Segregation."

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

Every single officer I've complained to has acknowledged knowing that these strip searches are against the law and inhumane. They all say "the Major does things his way regardless of the law."

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐ Yes

☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

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- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition. _____

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

Yes

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- ☒ Yes
- ☐ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s) Wayne E. Bouvier II
 Defendant(s) James Billings, Maine Commission Public Defense Services

2. Court (if federal court, name the district; if state court, name the county and State)

United States District Court, Maine

3. Docket or index number

24-CV-222 JAW

4. Name of Judge assigned to your case

Honorable John A. Woodcock Jr.

5. Approximate date of filing lawsuit

Apr 6-21-24

6. Is the case still pending?

- ☒ Yes
- ☐ No

If no, give the approximate date of disposition _____

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

7-7-2024

Signature of Plaintiff

Wayne E. Boulier II

Printed Name of Plaintiff

Wayne E. Boulier II

Prison Identification #

24-0789

Prison Address

Franklin County Jail

Farmington
CityMaine
State04938
Zip Code**B. For Attorneys**

Date of signing:

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address